

EXHIBIT I.8

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4

5 IN RE: NATIONAL PRESCRIPTION)
6 OPIATE LITIGATION) MDL NO. 2804
7 -----) HON. DAN A. POLSTER
8 THIS DOCUMENT RELATES TO) Case No. 1:17-md-2804
9 ALL CASES)
10 -----)

11

12 HIGHLY CONFIDENTIAL

13 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
14

15 The videotaped 30(b)(6) deposition of H.D.
16 SMITH by and through GEORGE EUSON, called for
17 examination, taken pursuant to the Federal Rules of
18 Civil Procedure of the United States District Courts
19 pertaining to the taking of depositions, taken before
20 JULIANA F. ZAJICEK, a Registered Professional Reporter
21 and a Certified Shorthand Reporter, at the offices of
22 Brown, Hay & Stephens, LLP, Suite 800, 205 South Fifth
23 Street, Springfield, Illinois, on November 27, 2018,
24 at 9:13 a.m.

1 depended on when you're -- a lot of that, if -- if we
2 were bringing on a customer from another wholesaler,
3 we may not have that information. You know, as -- you
4 know, as, you know, time -- time went on and we
5 evolved our system, we started working more with
6 dispensing records, dispensing information so that we
7 could actually see what a pharmacy was dispensing, not
8 just what they may be buying from us but what they --
9 what their total book of business was.

10 Q. Was it common for pharmacies to purchase
11 controlled substances from more than one distributor?

12 A. Yes.

13 Q. Would -- would it also be common for
14 distributors to discontinue doing business with
15 customers that order too much controlled substances?

16 A. What do you mean by too much?

17 Q. Suspicious orders. So if a distributor
18 like H.D. Smith determined that its customers were
19 submitting suspicious orders, would H.D. Smith
20 discontinue doing business with that customer?

21 A. It was commonly our practice that if we
22 identified orders that were suspicious and we reported
23 them to DEA -- and part of our investigation, again,
24 would be to go to the pharmacy, get dispensing

1 information, you know, launch an investigation. And I
2 would say more -- more times the norm would have been
3 that we would discontinue controlled substances to
4 that pharmacy if we had reason to believe there may be
5 diversion going on.

6 Q. And do you know whether or not that
7 pharmacy would seek to obtain the controlled
8 substances that it sought from H.D. Smith from another
9 distributor? In other words, was there communication
10 among distributors about these suspicious ordering
11 pharmacies?

12 A. No. There were -- at one time DEA was
13 sending out a list of pharmacies that other
14 wholesalers had either closed or declined to do
15 business with. That practice was discontinued after a
16 short time.

17 Q. Okay. Turning back to this guideline,
18 Section (d) talks about -- (d) talks about "Cumulative
19 Reviews Or Thresholds." It says:

20 "The system should contain a mechanism for
21 periodic review of cumulative orders from the same
22 customer over time, to evaluate trends in purchasing
23 patterns."

24 Did the CSOMP system or policies and